IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE B.PRAKASH RAO

WRIT PETITION No. 10418 of 2004

Between:

Katragadda naga Malleswara Rao alias Babu S/o Late Konaiah
aged 46 years, Opp: Krishna Electronics, Bandar Raod, Vijayawada

..... PETITIONER

AND

1 The Commissioner of Police Vijayawada City, Vijayawada
2 Asst. Commissioner of Police Vijayawada City, Vijayawada
3 Inspector of Police VI Police Station South Circle, Vijayawada

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in continuing the rowdy sheet pending against the petitioner in VI Town Police Station, Vijayawada City even after acquittal of the cases as highly arbitrary, illegal and violative of Art. 19,21 of the constitution of India Consequently set aside the same.

Counsel for the Petitioner: MR.K.SURESHREDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following:

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ORDER:

Heard both sides and at their request, the main writ petition itself is taken up for disposal.

2. The petitioner herein seeks to assail, by way of writ of mandamus, the action of the respondents in continuing the rowdy sheet pending against him in VI Town Police Station, Vijayawada City, as illegal.

3. The case of the petitioner is that he is law abiding citizen and further that there is no case pending against him and cases, which have been registered against him, were ended in acquittal. There is no warrant to continue rowdy sheet against the petitioner in VI Town Police Station, Vijayawada. It is also further pointed out that under the guise of the said rowdy sheet, the respondents are harassing the petitioner. Hence, the Writ Petition.

4. In the counter affidavit filed by the respondents herein, it is stated that no doubt there have been 7 cases registered against the petitioner, but, however, the same were ended in acquittal. It is also true that as on today no cases, against the petitioner, are pending. However, only in view of the fact that rowdy activities of the petitioner are continuing, the said rowdy sheet is maintaining against him.

5. Having considered the submissions made on either side, and also on perusal of the material available on record, there is no dispute to the fact that no case is pending, as on today, against the petitioner, and all the cases, which have been filed against the petitioner earlier, were ended in acquittal.

6. Having regard to the same, and especially in view of the principles, as laid down by this Court in ***Mohammed Quadeer & others v Commissioner of Police, Hyderabad and another, Kamma Bapuji v Station House Officer,***

Brahmasamudram, Pulla Bhaskar v Superintendent of Police, Warangal, and ***Puttagunta Pasi v Commissioner of Police,*** the continuance of such rowdy sheet against the petitioner is unsustainable.

7. In the circumstances, the Writ Petition is allowed. No costs.

dsr/skmr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Wednesday, Fifteenth day of September, Two thousand and four.

ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFRICER

To:

1. The Commissioner of Police,

Vijayawada City, Vijayawada

2. Asst.Commissioner of Police,

Vijayawada City, Vijayawada

3. The Inspector of Police,

VI Town Police Station,

South Circle, Vijayawada

4. Two CCs to the Government Pleader for Home

High Court Buildings, Hyderabad (OUT)

5. Two CD copies.